



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,292	12/22/1999	GLENN D. BEGIS	884.171USA1	5981

21186 7590 04/23/2004

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 04/23/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,292

Applicant(s)

BEGIS, GLENN D.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 68-95 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 68-70, 78-79, 82-85, 87, 89, 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al, US Patent Number, hereinafter Beyda.

4. Referring to claim 68 Beyda has taught a data processing system,(see figure 1) comprising:

- a. a plurality of devices interconnected in a local area network (see figures 1, 3-5, Col 4 lines 14-21) at least of three of the devices (figures 1, 3-5, figure 1 items 14, 16, 18, 20, 22, 24) having
 - i. multiple source modes (see figure 4, each device sends voice data out to the gatekeeper, therefore there are multiple source modes) each identifying at least one other mutually different device of the plurality of devices to receive data from the each device (Col 2 lines 37-40, 55-58, the first terminal is addressed to transmit data to the second terminal, therefore first terminal is identifying the second terminal to receive the data from the

first terminal) without identifying any of the devices to provide data to the each device (when the first terminal is solely transferring data to second terminal, it is at the state of “without identifying any of the devices to provide data to the each device”);

- ii. multiple sink modes (see figure 4, each device receives voice data from the gatekeeper, therefore there are multiple sink modes) each identifying at least one other device of the plurality of devices to provide data to the each device (Col 2 lines 37-40, 55-58, the first terminal is addressed to transmit data to the second terminal, second terminal is inherently set to the sink mode in order to receive the transmitting voice data from first terminal, therefore second terminal is identifying the first terminal to provide the data to the second terminal) without identifying any of the devices to receive data from the each device (when the second terminal is solely receiving the data from the first terminal, it is in the state of “without identifying any of the devices to receive data from the each device”);
- b. a stream controller (Figure 4, item 10 , Col 4 lines 14-18) to select among the multiple source modes and the multiple modes for any of the at least three devices (Col 4 lines 14-18, gatekeeper provides controlling access to multiple communication devices on the LAN), so to establish a data stream connection among certain of the plurality of devices as identified by the selected source and sink modes (Col 2 lines 37-40, 55-58, also see figure 4), such that at least a first of

the three devices (figures 1, 3-5, shows at least three devices) is configurable to provide data to a second of the devices in the plurality without providing data to a third device in the plurality (as Beyda taught about multiple sink and source modes, first device would only provide data to a second device without providing data to a third device if the mode is only indicating the data transmission from the first device to the device) , and is configurable to receive data from the third device without receiving data from the second device (this happens when a mode is indicating the first device only receives data from the third device.)

Beyda has not explicitly taught the limitation of selecting the multiple source modes and the multiple sink modes independently of each other.

However, it is well known in the art that voice data could be transmitted among devices by using a bi-directional link as taught by Beyda, or using a transmitting data link and a receiving data link to transmit the voice data.

Having a bi-directional link as taught by Beyda would provide a cheaper, smaller, and slower communication among the devices. Having two transmitting data links would allow a more expensive but faster communications.

A person with ordinary skill in the art would have designed how the devices communicate in one of the two ways.

It would be obvious for a person with ordinary skill in the art at the time the invention was made to make the communication links between two devices to be a transmitting link and receiving link, because it is well know in the art as a designer's choice to provide a faster speed of communication among devices. Having the receiving and transmitting

links would allow selecting the multiple source modes and the multiple sink modes independently of each other.

5. Referring to claim 69, Beyda as modified has further taught where at least one of the source modes for at least one of the at least three devices identifies multiple ones of the plurality of devices to receive streaming data from the each device (figure 5, devices 18 and 20 both receives a mixed first/third voice data 52.)
6. Referring to claim 70, Beyda as modified has further taught where at least one of the sink modes for the at least three device identifies multiple ones of the plurality of devices to provide data to the each device (figure 5, devices 14 and 16 provides the first voice data 42 to gatekeeper 10 to provide mixed first voice data to devices 18-24.)
7. Referring to claim 78, Beyda as modified has further taught where the streaming controller is distributed among multiple ones of the devices (see Figures 1, 3-5.)
8. Referring to claim 79, Beyda as modified has further taught where the streaming controller is implemented as a discrete unit (Figure 1, item 10.)
9. Referring to claims 82-84, claims 82-84, encompass the same scope of the invention as that of the claims 68-70. Therefore, the claims 82-84 are rejected for the same reason as the claims 68-70.
10. Referring to claim 85, Beyda as modified has further taught where the steaming data is a voice data (see figure 5, voice data.)
11. Referring to claim 87, Beyda has further taught where at least one of the devices in the at least three devices performs a processing function upon the streaming data (Col 2 lines 28-30, terminal could be either a telephone or a computing device, and see figure 4 the

voice data is transmitting in and out from the terminals, which is being processed by each terminal in order to send out and receive in the voice data.)

12. Referring to claim 89, Beyda as modified has further taught communicating streaming data among the certain devices (see figures 2-5.)
13. Referring to claims 92-95, claims 92-95, encompass the same scope of the invention as that of the claims 82-84, and 87. Therefore, the claims 92-95 are rejected for the same reason as the claims 82-84, and 87.
14. Claims 71-77, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Perrone, US Patent Number 6,418,199 hereinafter Perrone.
15. Referring to claim 71, Beyda as modified has taught an invention as described in claim 68, Beyda has further taught where the at least three devices includes a telephone, a computer to perform a data process function upon streaming data (Col 2 lines 28-30.)

Beyda has not taught where at least three devices includes a gateway to an external network.

However, Perrone has taught the voice communication could be provided and received to and from an external network (see figure 1A).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that to include a gateway so the voice communication could be provided and received to and from an external network through the gateway.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having the voice data to be transmitted to or received

Art Unit: 2155

from an external network would allow Beyda's invention to be implemented to a wider ranges of locations, so not only people within the LAN of Beyda could be benefited by Beyda's invention but people outside of the LAN would also be benefited..

16. Referring to claim 72-77, since Beyda as modified has taught an invention where at least three devices includes a telephone, a computer and a gateway, and has also taught there are multiple sink and source modes for the at least three devices, therefore it would have been obvious to have all the different combination of the source and sink modes setup for the telephone, computer and gateway as described in claim 72-77.
17. Referring to claim 86, claim 86, encompass the same scope of the invention as that of the claim 71. Therefore, the claims 86 are rejected for the same reason as the claim 71.
18. Claims 80, 81, 90, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Klug, US Patent Number 5,799,320, herein after Klug.
19. Referring to claim 80. Beyda has taught an invention as described in Claim 68, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught where the controller is adapted to lock the mode of at least one device of the plurality of the device.

Klug has taught a locking mechanism to lock out PC from accessing data when there is a large number of PC accessing data and caused the system to be slow. (Col 11 lines 10-16)

However, a person with ordinary skill in the art would have realized that when there are plurality of devices are running at the same time, the system may be slow down as

Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time when the invention was made, to include a locking mechanism to lock the mode of at least one device during the connection as taught by Klug to prevent slow down of the system, which caused by large number of devices have access to the file at the same time.

20. Referring to claim 81. Beyda has taught an invention as described in claim 68, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught to use a semaphore to prevent multiple devices from simultaneously changing modes.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

Art Unit: 2155

21. Referring to claims 90-91, claims 90-91, encompass the same scope of the invention as that of the claims 80-81. Therefore, the claims 90-91 are rejected for the same reason as the claims 80-81.
22. Claims 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Cohn et al., US Patent Number 6,411,684 hereinafter Cohn.
23. Referring to claim 88, Beyda has further taught where the function is one or more of recognize the voice data (Col 6 lines 2-4). Beyda has not taught the function of converting voice signal to or from text, and translating text to different language, and executing voice commands.

However, Cohn has taught a voice network having functions of converting voice signal to or from text (Col 23 lines 9-22), and translating text to different language and executes voice commands (Col 5 lines 18-35.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that the computer converts the voice data to or from text and translating text to different language.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having voice text converted into text and display on the screen would allow deaf users to “see” the speech, and also allow users with different language background can understand each other from the voice network.

Response to Arguments

24. Applicant's arguments filed 3/26/2004, paper number 14, have been fully considered but they are not persuasive.

25. In that remarks, applicant's argues in substance:

- a. That: "it advances a capability not possible in Beyda. Beyda's links are all bi-directional; identifying device A to source data to device B necessarily entails identifying device A to sink data from device B." (page 9)

This is not found persuasive because although Beyda's links are bi-directional, but at the instance when device A is transmitting data to device B, it is not necessary for device A to receive data from device B. Therefore the device B is not identified for providing data to device A, since device B at the instance is not providing any data to device A.

- b. That: "Claim 68 goes on to recite that the streaming controller selects among the multiple source modes and multiple sink modes ... But independently chosen telephone sink mode causes telephone 112 to receive data, not from the computer but from the server/gateway108. The network is now configured so that a person picking up the telephone speaks to the computer, but hears from the gateway. Beyda cannot perform such a connection, not does he suggest either a capability or a motivation for doing so." (page 10)\

This is not found persuasive because although the Examiner agrees with applicant's argument that Beyda might not configure the network so that a person can pick up the phone and speaks to the computer but hear from the gateway. However, in the claim language it does not claim so. Office personnel are to give

Art Unit: 2155

claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). In this case, the limitation of “such that at least a first of the three devices is configurable to provide data to a second of the devices in the plurality without providing data to a third device in the plurality, and is configurable to receive data from the third device without receiving data from the second device.” could be read as “a telephone can speak to the computer” and “a telephone can hear from the gateway.” It does not clearly state that a telephone is configured to speak to the computer and hear from the gateway **at the same time.**

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 2155

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *fw*
April 19th, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER